

House File 703 - Introduced

HOUSE FILE 703

BY BROWN-POWERS and SMITH

A BILL FOR

1 An Act providing for standards for mitigation of infectious
2 disease under the state occupational health and safety law,
3 making penalties applicable, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 88.5, Code 2021, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 12. *Infectious disease.* The commissioner
4 shall promulgate standards for mitigation of medical
5 emergencies relating to infectious disease, including but
6 not limited to COVID-19 as defined in section 686D.2. The
7 standards shall apply to all industries but may include
8 industry-specific standards as deemed appropriate by the
9 commissioner. The standards shall specifically address
10 personal protective equipment to be provided to employees.
11 Such standards shall minimize to the greatest extent possible
12 hazardous situations likely to cause employee exposure to
13 infectious disease, including but not limited to employees
14 working in close proximity without proper protective equipment
15 and safety procedures.

16 Sec. 2. Section 88.6, subsection 5, Code 2021, is amended
17 to read as follows:

18 5. *Special inspections.* Any employees or authorized
19 employee representative who believes that a violation of a
20 safety or health standard exists that threatens physical harm,
21 or that an imminent danger exists, may request an inspection
22 by giving notice to the commissioner or the commissioner's
23 authorized representative of such violation or danger. Any
24 such notice shall be reduced to writing, shall set forth
25 with reasonable particularity the grounds for the notice,
26 and shall be signed by the employees or authorized employee
27 representative, and a copy shall be provided the employer or
28 the employer's agent no later than at the time of inspection,
29 except that upon the request of the person giving such notice
30 the person's identifying information and the identifying
31 information of individual employees referred to in the notice
32 shall not appear in such copy or on any record published,
33 released, or made available. If, upon receipt of such
34 notification, the commissioner determines that there are
35 reasonable grounds to believe that such violation or danger

1 exists, the commissioner shall make a special inspection in
 2 accordance with the provisions of [this section](#) as soon as
 3 practicable, to determine if such violation or danger exists.
 4 The commissioner shall prioritize special inspections relating
 5 to possible violations of standards promulgated pursuant to
 6 section 88.5, subsection 12. If the commissioner determines
 7 that there are no reasonable grounds to believe that a
 8 violation or danger exists, the commissioner shall notify the
 9 employees or authorized employee representative in writing
 10 of such determination. For purposes of [this subsection](#),
 11 *"identifying information"* means specific personal information
 12 including, but not limited to, the person's name, home address,
 13 telephone number, social security number, and handwriting and
 14 language idiosyncrasies. In circumstances when the release of
 15 any fact may be used to identify the person, that fact shall
 16 not be released.

17 Sec. 3. EMERGENCY RULES. The labor commissioner shall adopt
 18 emergency rules under section 17A.4, subsection 3, and section
 19 17A.5, subsection 2, paragraph "b", to promulgate standards
 20 required pursuant to section 88.5, subsection 12, as enacted by
 21 this Act, relating to COVID-19, as defined in section 686D.2,
 22 and the rules shall be effective immediately upon filing unless
 23 a later date is specified in the rules. Any rules adopted
 24 in accordance with this section shall also be published as a
 25 notice of intended action as provided in section 17A.4.

26 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
 27 importance, takes effect upon enactment.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
 30 the explanation's substance by the members of the general assembly.

31 This bill provides for standards for mitigation of
 32 infectious disease under the state occupational health and
 33 safety law, Code chapter 88.

34 The bill requires the labor commissioner to promulgate
 35 standards for mitigation of medical emergencies relating to

1 infectious disease, including but not limited to COVID-19.
2 The standards shall apply to all industries but may include
3 industry-specific standards. The standards shall specifically
4 address necessary personal protective equipment to be provided
5 to employees. Such standards shall minimize to the greatest
6 extent possible hazardous situations likely to cause employee
7 exposure to infectious disease.

8 The bill requires the commission to prioritize special
9 inspections relating to possible violations of standards
10 promulgated as required by the bill.

11 The bill requires the commissioner to adopt emergency rules
12 to promulgate standards as required by the bill relating to
13 COVID-19.

14 Violations of Code chapter 88 are subject to civil penalties
15 in amounts not to exceed maximum amounts set by federal
16 law. Any employer who willfully violates any standard, rule,
17 or order promulgated pursuant to Code section 88.5, or of
18 any regulations prescribed pursuant to Code chapter 88, if
19 the violation caused death to any employee, is guilty of a
20 serious misdemeanor for a first conviction and an aggravated
21 misdemeanor for a subsequent conviction. A serious misdemeanor
22 is punishable by confinement for no more than one year and a
23 fine of at least \$430 but not more than \$2,560. An aggravated
24 misdemeanor is punishable by confinement for no more than two
25 years and a fine of at least \$855 but not more than \$8,540.

26 The bill takes effect upon enactment.